

No. 2872-4Lab-75/10571.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the Management of M/s. Manohar Engineering Works (P) Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 124 of 1971

between

SHRI BUDH SINGH AND THE MANAGEMENT OF M/S MANOHAR ENGINEERING WORKS, (P) LTD., FARIDABAD.

Presents :

Nemo for the workmen.

Nemo for the management.

AWARD

By order No. ID/FD/680-A/23108-12, dated 27th July, 1971 of the Governor of Haryana, the following dispute between the management of M/s Manohar Engineering Works (P) Ltd., Faridabad and its workman Shri Budh Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Budh Singh was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties who put in their respective pleadings. The management having elected not to appear inspite of due service, my learned predecessor ordered that the case shall proceed ex parte and the workman concerned was required to produce evidence in support of his claim. A perusal of the record would show that inspite of getting a large number of adjournments Shri Budh Singh workman concerned has not produced any evidence so much so that he has neither filed any statement of claim nor has he come forward to make even his own statement on oath that his services had been illegally terminated by the management and he was entitled to the relief asked for.

In the circumstances, no further proceedings are called for in the case and the presumption is irresistible that no industrial dispute exists between the parties. A no dispute award is, therefore, given holding that the workman concerned is not entitled to any relief by way of reinstatement or payment of back wages. There shall, however, be no order as to costs.

O. P. SHARMA,

Dated 24th February, 1975.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 538, dated 3rd March, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2871-4Lab-75/10573.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Haryana Textile Mills, Rohtak.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 50 of 1974

between

SHRI MANOHAR LAL AND THE MANAGEMENT, OF M/S HARYANA TEXTILE MILLS,
ROHTAK

Present :

Shri Manohar Lal, workman.

Shri Mohinder Kumar Sharma, for the management.

AWARD

By order No. ID/27192-96, dated 22nd July, 1974 of the Governor of Haryana, the following dispute between the management of M/s Haryana Textile Mills, Rohtak and its workman Shri Manohar Lal was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Manohar Lal was justified and in order ? If not, to what relief is he entitled ?

Usual notices were given to the parties and they put in their respective pleadings. The workman reiterated his claim as earlier raised through the demand notice leading to the present reference which was contested by the management on merits as well as on preliminary grounds.

It is, however, not necessary to go into the merits of the case and the issues involved as an amicable settlement has been arrived at between the parties. Their statements have been recorded. According to the settlement, Shri Manohar Lal workman concerned has received payment of Rs. 270/- from the management through a cheque against the Punjab National Bank, Rohtak, in full and final settlement, of his entire claim and he has given up his right of reinstatement or re-employment.

In view of the above, as no dispute award is given in terms of the above settlement arrived at between the parties holding that the workman concerned is not entitled to any other relief. In the circumstances there shall be no order as to costs.

Dated, the 11th February, 1975

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 452, dated 3rd March, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 11th February, 1975.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2870-4 Lab-75/10575.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workman and the Management of M/s Municipal Committee now Municipality, Charkhi Dadri.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Complaint No. 1 of 1974 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI JAI BHAGWAN AND THE MANAGEMENT OF M/S MUNICIPAL COMMITTEE
NOW MUNICIPALITY, CHARKHI DADRI

Present.—

Shri Kidar Nath, for the management.

Nemo, for the workman.

AWARD

Shri Jai Bhagwan an employee of the Municipal Committee now Municipality, Charkhi Dadr has brought this complaint under section 33-A of the Industrial Disputes Act, 1947. His grievance is that he was working in the sewerage section but the Committee has transferred to him to the Water Works Department thereby contravening the provisions of section 33 of the Industrial Disputes Act.

Notice of the complaint was given to the respondent who has contested it as being not maintainable. The complainant is not turned up nor his authorised representative. Statement of Shri Kidar Nath Executive Officer of the Municipality has been recorded. He has sworn testimony to the fact that Shri Jai Bhagwan complainant was originally serving in the Water Works Department but later on he was transferred to the Sewerage Section and that he has again been brought back to his original department, i.e., the Water Works Department. He has further stated that no regular dispute was pending before this court when the retransfer of the complainant to the Water Works Department was made.

In view of the above, no further proceedings are called for in the case. There being no pendency, the question of the contravention of the provisions of section 33 by effecting the transfer of the complainant to the Water Works Department does not arise. His own application is silent about any pendency before this court in which he might be a workman concerned.

So, on the face of it, the present complaint is not competent. Otherwise also, the respondent Municipality was well within its right to re-transfer him to his original department, i.e., the Water Works Department. In the circumstances, the present complaint is not maintainable under section 33-A of the Industrial Dispute Act, 1947 and shall stand dismissed as such. There shall, however, be no order as to costs.

Dated 12th February, 1975.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 451, dated 3rd March, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 33 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 17th March, 1975

No. 2952-5Lab-75/10970.—In exercise of the powers conferred by section 5 of the Factories Act, 1948 (Central Act 63 of 1948) and all other powers enabling him in this behalf, the Governor of Haryana is pleased to exempt all the factories in the State of Haryana from the provisions of sections 52, 54 and 56 of the said Act for a period of three months from the date of publication of this notification on account of shortage of electricity in this State, subject to the following conditions, namely :—

1. That the workers who may be deprived of the weekly holidays provided under section 52 shall be given compensatory holidays in lieu thereof in accordance with section 53.
2. That the spread over under section 56 shall not exceed twelve hours in a day.
3. That the total number of hours of work shall not exceed 48 hours in a week.
4. That a proper record of daily working hours shall be maintained.

The 3rd April, 1975

No. 2145-5Lab-75/5911.—Whereas in view of the present National Emergency production in Defence Factories has to be considerably stepped up to meet Defence Requirements.

Now, therefore, the Governor of Haryana in exercise of powers conferred by section 5 of the Factories Act, 1948 (Central Act No. LXIII of 1948) and other powers enabling him in this behalf, is pleased to exempt the Defence Factories, E.M.E. Workshops, Naval Installations and other Factories concerned with productions relating to Defence requirements or essential supplies in the State of Haryana from the provisions of sections 51, 52, 53, 54, 55, 56 and 79 of the said Act for a period of three months with effect from the 9th June, 1974 or till revocation of emergency, whichever is earlier subject to the following conditions, namely :—

1. The factories engaged in similar process other than which are directly under the control of the Ministry of Defence, desiring to avail of this exemption shall send prior intimation to this effect to the Inspector of the area with a copy to the Chief Inspector of Factories, Haryana.

2. The workers who may be required to work over-time shall be paid over-time wages at double the rates in accordance with the provisions of the Factories Act, 1948.
3. A proper record of over-time of the workers shall be maintained as required under rule 85 of the Punjab Factories Rules, 1952.
4. The workers who may be deprived of the weekly holidays in section 52 of the aforesaid act may be given compensatory holidays in lieu of all such weekly holidays which may not be allowed to them as far as possible.
5. That under section 79 leave may be refused where necessary, in the exigencies of service except in the case of illness and that a provision is made for accumulation of leave without limit so that the workers do not lose the benefit of leave so refused.

No. 2145-5Lab-75/5905.—Whereas in view of the present National Emergency production in Defence Factories has to be considerably stepped up to meet Defence requirements.

Now, therefore, the Governor of Haryana in exercise of powers conferred by section 5 of the Factories Act, 1948 (Central Act No. LXIII of 1948) and all other powers enabling him in this behalf, is pleased to exempt the Defence Factories, E.M.E. Workshops, Naval Installations and other Factories concerned with productions relating to defence requirements of essential supplies in the State of Haryana from the provisions of sections 51, 52, 53, 54, 55, 56 and 79 of the said Act for a period of three months with effect from the 9th March, 1974 or till revocation of emergency, whichever is earlier subject to the following conditions, namely :

1. The factories engaged in similar process other than which are directly under the control of the Ministry of Defence, desiring to avail of this exemption shall send prior intimation to this effect to the Inspector of the area with a copy to the Chief Inspector of Factories, Haryana.
2. The workers who may be required to work over-time shall be paid over-time wages at double rates in accordance with the provisions of the Factories Act, 1948.
3. A proper record for over-time of the workers shall be maintained as required under rule 85 of the Punjab Factories Rules, 1952.
4. The workers who may be deprived of the weekly holidays in section 52 of the aforesaid Act may be given compensatory holidays in lieu of all such weekly holidays which may not be allowed to them as far as possible.
5. That under section 79 leave may be refused where necessary, in the exigencies of service except in the case of illness and that a provision is made for accumulation of leave without limit so that the workers do not lose the benefit of leave so refused.

No. 2145-5Lab-75/5928/17.—Whereas in view of the present National Emergency production in Defence Factories has to be considerably stepped up to meet Defence requirements.

Now, therefore, the Governor of Haryana in exercise of powers conferred by section 5 of the Factories Act, 1948 (Central Act No. LXIII of 1948) and all other powers enabling him in this behalf is pleased to exempt the Defence Factories, E.M.E. Workshops, Naval Installations and other Factories concerned with productions relating to Defence requirements of essential supplies in the State of Haryana from the provisions of section 51, 52, 53, 54, 55, 56 and 79 of the said Act for a period of three months with effect from the 9th September, 1974 till revocation of emergency, whichever is earlier subject to the following conditions, namely :—

1. The factories engaged in similar process other than which are directly under the control of the Ministry of Defence, desiring to avail of this exemption shall send prior intimation to this effect to the Inspector of the area with a copy to the Chief Inspector of Factories, Haryana.
2. The workers who may be required to work over-time shall be paid overtime wages at double the rates in accordance with the provisions of the Factories Act, 1948.
3. A proper record of over-time of the workers shall be maintained as required under rule 85 of the Punjab Factories Rules, 1952.
4. The workers who may be deprived of the weekly holidays in section 52 of the aforesaid Act may be given compensatory holidays in lieu of all such weekly holidays which may not be allowed to them as far as possible.
5. That under section 79 leave may be refused where necessary, in the exigencies of service except in the case of illness and that a provision is made for accumulation of leave without limit so that the workers do not lose the benefit of leave so refused.

M. SETH,

Commissioner and Secretary to Government,
Haryana, Labour and Employment Department.